

02-04-05

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PATENT

Attorney Docket No. 28690-705.302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
FEB 02 2005
P A T E N T & T R A D E M A R K S O C I E T Y
SC13A

Application)	<u>PATENT APPLICATION</u>
Inventors(s): Thomas M. Brennan et al.)	Art Unit: 1645
Application No.: 10/602,998)	Examiner: Unknown
Filed: June 23, 2003)	Customer No.: 021971
Title: Method and Apparatus for Performing Large Numbers of Reactions Using Array Assembly)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --

(2) It is being filed within 3 months of entry of a national stage
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; **or**

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:

In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent applications (Serial Nos. 9/684,736 and 9/686,597), copies are not enclosed herewith.

If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

- There are no listed references which are not in the English language.
- The relevance of those listed references which are not in the English language is as follows: []
- Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- Attached are the following non-published pending patent applications which may be deemed relevant.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 28690-705.302).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 2-2-05

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(650) 493-9300
Customer No. 021971

By:



Maya Skubatch
Reg. No. 52,505



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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/602,998
				Filing Date	June 23, 2003
				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
Sheet	1	of	27	Attorney Docket Number	28690-705.302

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		4,683,202	07/28/87	Mullis	
		4,834,946	05/30/89	Levin	
		5,143,854	09/01/92	Pirrung, et al.	
		5,202,231	04/13/93	Dramanac, et al.	
		5,412,087	05/02/95	McGall, et al.	
		5,445,934	08/29/95	Fodor, et al.	
		5,445,943	08/29/95	Hoenes	
		5,474,796	12/12/95	Brennan	
		5,489,678	02/06/96	Fodor, et al.	
		5,492,806	02/20/96	Dramanac, et al.	
		5,525,464	06/11/96	Dramanac	
		5,545,568	08/13/96	Ellman	
		5,556,749	09/17/96	Mitsushashi, et al.	
		5,571,639	11/05/96	Hubbell, et al.	
		5,614,608	03/25/97	Krchnak, et al.	
		5,650,277	07/22/97	Navot, et al.	
		5,667,972	06/16/97	Dramanac, et al.	
		5,679,773	10/21/97	Holmes	
		5,691,141	11/25/97	Köster	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 717113A2	06/19/96	Affymetrix, Inc.		
		WO 92/15712	09/17/92	Molecular Tools, Inc.		
		WO 93/09250	05/13/93	Adalaide Children's Hospital University of South Australia		
		WO 93/17126	09/02/93	The Public Health Research Institute of the City		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<i>Complete if Known</i>	
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				Examiner Name	Unknown
Sheet	2	of	27	Attorney Docket Number	28690-705.302

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		Number-Kind Code ² (if known)			
		5,695,940	12/09/97	Dramanac, et al.	
		5,700,637	12/23/97	Southern	
		5,700,642	12/23/97	Monoforte, et al.	
		5,710,028	01/20/98	Eyal, et al.	
		5,739,386	04/14/98	Holmes	
		5,744,305	04/28/98	Fodor, et al.	
		5,800,992	09/01/98	Fodor, et al.	
		5,830,655	11/03/98	Monoforte, et al.	
		5,837,832	11/17/98	Chee, et al.	
		5,846,943	12/08/98	Hindsgaul, et al.	
		5,858,653	01/12/99	Duran, et al.	
		5,858,659	01/12/99	Sapolsky, et al.	
		5,871,928	02/16/99	Fodor, et al.	
		5,888,819	03/30/99	Goelet, et al.	
		5,889,165	03/30/99	Fodor, et al.	
		5,917,016	06/29/99	Holmes	
		5,919,626	07/06/99	Shi, et al.	
		5,922,534	07/13/99	Lichtenwalter	
		5,927,547	07/27/99	Papen, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 95/11995	05/04/95	Affymax Technologies N.V.		
		WO 97/28282	08/	Stratagene		
		WO 97/43447	11/20/97	Motorola		
		WO 97/45730	12/04/97	Biodx		
		WO 98/09735	03/12/98	International Business machine Corporation		

Examiner Signature	Date Considered
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<p style="text-align: center;">Substitute for form 1449/PTO</p> <p style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>				<i>Complete if Known</i>			
				Application Number		10/602,998	
				Filing Date		June 23, 2003	
				First Named Inventor		Thomas M. Brennan	
				Art Unit		1645	
				Examiner Name		Unknown	
Sheet	3	of	27	Attorney Docket Number	28690-705.302«CaseNumber»		

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		Number-Kind Code ² (if known)			
		5,929,208	07/27/99	Heller, et al.	
		5,972,619	10/26/99	Dramanac, et al.	
		5,985,551	11/16/99	Brennan	
		5,985,557	11/16/99	Prudent, et al.	
		5,985,761	11/16/99	Saprks, et al.	
		6,001,567	12/14/97	Brow, et al.	
		6,018,041	01/25/00	Dramanac, et al.	
		6,025,136	02/15/00	Drmanac	
		6,028,189	02/22/00	Blanchard	
		6,030,782	02/29/00	Anderson, et al.	
		6,040,138	03/21/00	Lockhart, et al.	
		6,043,031	03/28/00	Köster, et al.	
		6,054,270	04/25/00	Southern	
		6,074,823	06/13/00	Köster	
		6,083,763	07/04/00	Balch	
		6,090,995	07/18/00	Reich, et al.	
		6,103,479	08/15/00	Taylor	
		6,197,506	03/06/01	Fodor, et al.	
		6,210,894	04/03/01	Brennan	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 99/21957	05/06/99	The University of North Carolina at Chapel Hill		
		WO 98/22487	05/28/98	Synsorb Biotech, Inc.		
		WO 98/28438	07/02/98	Diatech Pty. Ltd.		
		WO 98/30883	07/16/98	Sheldon, Edward L.		

Examiner Signature	Date Considered
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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 4 of 27

Complete if Known

Application Number	10/602,998
Filing Date	June 23, 2003
First Named Inventor	Thomas M. Brennan
Art Unit	1645
Examiner Name	Unknown

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		Number-Kind Code ² (if known)			
		6,291,183	09/18/01	Pirrung, et al.	
		6,309,822	10/30/01	Fodor, et al.	
		6,309,823	10/30/01	Cronin, et al.	
		6,309,831	10/30/01	Goldberg, et al.	
		6,310,189	10/30/01	Fodor, et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)				
		WO 98/38490	09/03/98	Biodx, Inc.		
		WO 98/38846	09/11/98	Affymetrix, Inc.		
		WO 98/41531	09/24/98	University of Washington		
		WO 98/46247	10/22/98	Wisconsin Alumni Research Foundations		
		WO 98/47003	10/22/98	United States of America		
		WO 98/50403	11/12/98	THIRD WAVE TECHNOLOGIES, INC.		
		WO 98/54362	12/03/98	The Perkin-Elmer Corporation		
		WO 98/56954	12/17/98	Affymetrix, Inc		
		WO 99/05308	02/04/99	RAPIGENE, INC.		
		WO 99/06593	02/11/99	Sarnoff Corporation		
		WO 99/06834	02/11/99	IXSYS, Incorporated		
		WO 99/07888	02/18/99	Bulynk, Martha L.		
		WO 99/09073	02/25/99	Akazo Nobel N.V.		
		WO 98/21221	05/22/98	Synsorb Biotech, Inc		
		WO 94/11530	05/26/94	Trustees of Boston University		
		WO 93/17136	09/02/93	The Dow Chemical Company		
		WO 98/33586	08/06/98	Protogene Laboratories, Inc.		

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		WO 99/14228	03/25/99	Affymetrix, Inc		
		WO 99/27137	06/03/99	Orchid Biocomputer, Inc.		
		WO 99/37812	07/29/99	Orchid Biocomputer, Inc		
		WO 99/39004	08/05/99	The government of the United States of America, Secretray, Department of Health and Human Services		
		WO 99/47701	09/23/99	November AG Novus Medicatus Bertling Gesellschaft fur Molekulare Medizin		
		WO 99/54509	10/28/99	Affymetrix, Inc.		
		WO 99/58708	11/18/99	Rosetta Inpharmatics, Inc		
		WO 00/03246	01/20/00	Cellomics, Inc.		
		WO 00/17624	03/30/00	Cellomics, Inc.		
		WO 00/17643	03/30/00	Cellomics, Inc.		
		WO 00/50872	08/31/00	Cellomics, Inc.		

Examiner Signature		Date Considered	
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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
		ABRAMSON et al., Nucleic acid amplification technologies, Curr. Opin. Biotechnol., 1993, pp.41-47, vol. 4		
		ABRAVAYA et al., Detection of poinT mutations with a modified ligase chain reaction, Nucleic Acids Res., 1995, pp 675-682, vol 23		
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		Filing Date	June 23, 2003
		First Named Inventor	Thomas M. Brennan
		Art Unit	1645
		Examiner Name	Unknown
Sheet	7	of	27
		Attorney Docket Number	28690-705.302

NON PATENT LITERATURE DOCUMENTS			
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		CASE-GREEN et. al., Analyzing genetic information with DNA arrays., Cur. Opin. In Chem. Biol., 1998, pp 404-410, vol. 2	
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		ECKERT et al., DNA Polymerase Fidelity and the Polymerase Chain Reaction, PCR Methods and Applications, 1991, pp17, vol 1	
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		FODOR et al., Light-Directed, Spatially Addressable Parallel Chemical Synthesis, Science, 1991, pp 767-773, vol 251		
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		HEID et al., Real Time Quantitative PCR, Genome Res., 1996, pp. 986-994, vol. 6	
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				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
Sheet	16	of	27	Attorney Docket Number	28690-705.302«CaseNumber»

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		MULLER et al, Self-sustained sequence replication (3SR): An alternative to PCR, Histochem. Cell Biol., 1997, pp 431-437, vol. 108		
		NELSON, Rapid Detection of Genetic Mutations Using the Chemiluminescent Hybridization Protection Assay (HPA): Overview and Comparison with Other Methods, Crit. Rev. Clin. Lab. Sci., 1998, pp 369-414, vol. 35		
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		SYVANEN et al, A Primer-Gilded Nucleotide Incorporation Assay in the Genotyping of Apolipoprotein E, Genomics, 1990, pp684-692, vol. 8		
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		THOMPSON, et al, Synthesis and Applications of Small Molecule Libraries, Chem. Rev., 1996, pp555-600, vol. 96		
		TOSHIMA et al, Recent Progess in O-glycosylation Methods and Its application to Natural Products Synthesis, Chem. Rev, 1993, pp1503-1531, vol. 93		
		TYAGI, et al, Multicolor Molecular Beacons for allele discrimination, Nature Biotechnol, 1998, pp49-53, vol. 16		
		UETZ, et al, A comprehensive analysis of protein-protein interactions in Saccharomyces, Nature, 2000, pp623, vol. 403		
		VAN NESS, et al, The use of oligodeoxynucleofde probes in chaotrope-based hybridization solutions, Nucleic Acids Research, 1991, pp5143-5151, vol. 19(19)		
		VENKATESAN and GREENBERG, Improved Utility of Photolabile Sold Phase Synthesis Supports for the Synthesis of Oligonucleotides Containing 3'-Hydroxyl Termini, J. of Org. Chem, 1996, pp525-529, vol. 61		

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				Application Number		10/602,998	
				Filing Date		June 23, 2003	
				First Named Inventor		Thomas M. Brennan	
				Art Unit		1645	
				Examiner Name		Unknown	
Sheet	25	of	27	Attorney Docket Number	2860-705.302		

NON PATENT LITERATURE DOCUMENTS				
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		VERMA and ECKSTEIN, MODIFIED OLIGONUCLEOTIDES: Synthesis and Strategy for Users, Annu. Rev. Biochem, 1998, pp99-134, vol. 67		
		WAGNER, et al, Antisense Gene inhibition by oligonucleotides containing C-5 propyne pyrimidines, Science, 1993, pp1510-1513, vol. 260		
		WALKER, Empirical Aspects of Strand Displacement Amplification, PCR Methods Appl., 1993, pp 1-6, vol. 3		
		WANG, Solid Phase Synthesis of Protected Peptide via Photolytic Cleavage of the α-nethylphenacyl Ester Anchoring Linkage, J. Org. Chem, 1976, p3258, vol. 41		
		WANG, et al, A New Base-Labile Anchoring Group for Polymer-Supported Oligosaccharide Synthesis, Chem. Lett, 1995, pp273-274		
		WANG, D., et al, Large-Scale Identification, Mapping, and Genotyping of Single-Nucleotide Polymorphisms in the Human Genome, Science, 1998, 1077-1082, vol. 280		
		WETMUR, DNA Probes: Applicationis of the Principles of Nucleic Acid Hybridization, Critical Reviews in Biochemistry and Molecular Biology, 1991, pp227-259, vol. 26		

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				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
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		WIEDMANN, et al., Ligase Chain Reaction (LCR) - Overview and Applications, PCR Methods Appl, 1994, pp51-64, vol. 3		
		WHITE, High-Throughput Screening in Drug Metabolism and Pharmacokinetic Support of Drug Discovery, Annu. Rev. Pharmacol. Toxicol, 2000, pp133-157, vol. 40		
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		YAMADA, et al, An Efficient Synthesis of Sialoglycoconjugates on a Peptidase-Sensitive Polymer Support, Tetrahedron Lett., 1995, pp9493-9496, vol. 36		
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		YOUNG, Biomedical Discovery with DNA Arrays, Cell, 2000, pp9-15, vol. 102		

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		Zheng et al, Solid Support Oligosaccharide Synthesis: Construction of B-Linked Oligosaccharides by Coupling by Glycal Derived Thioethyl Glycosyl Donors, J. Org. Chem., 1998, pp 1126-1130, vol. 63	

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